

### **REMARKS**

Claims 1, 3-4 and 6-8 are pending in the present application. Claims 4 and 6 are withdrawn from consideration. Claims 1 and 3 are herein amended. New claims 7-8 have been added. No new matter has been entered.

### **Information Disclosure Statement**

The Examiner noted that Reference No. 18 in the IDS filed June 24, 2005 has not been considered because it fails to comply with 37 CFR 1.98(a)(3) because it did not include a concise explanation of the relevance although Reference No. 18 is not in English.

Applicants submit herewith an Information Disclosure Statement with an English translation of Reference No. 18 "Abstract of Autumn Meeting of Japan Society of Powder and Powder Metallurgy, 2002." Applicants respectfully request the Examiner to withdraw this objection and consider Reference No. 18.

### **Claim Interpretation**

**It was noted that the claims recited the open transitional term, comprising" (Claim 1, line 2).**

In this amendment, claim 1 has been amended to recite, among other things, "a composition consisting of, by atomic %, 0.5 to 10 % of Ga, 7 to 15 % of P, 3 to 7 % of C, 3 to 7 % of B and 1 to 7 % of Si, with the remainder being Fe."

Thus, the composition does not contain other elements.

**Rejections under 35 USC §102(b)/103(a)**

**Claims 1 and 3 were rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yoshida 308 (Yoshida et al., Japanese Patent Document No. 2000-345308).**

Yoshida 308 discloses a metallic glass alloy of Fe-Al-Ga-P-C-B-Si system. Thus, the alloy contains Al. As mentioned above, claim 1 has been amended to recite, among other things, “a composition consisting of, by atomic %, 0.5 to 10 % of Ga, 7 to 15 % of P, 3 to 7 % of C, 3 to 7 % of B and 1 to 7 % of Si, with the remainder being Fe.” Thus, the alloy of the present invention does not contain Al. Omission of an element even with mere retention of the element’s function is an indicia of unobviousness. MPEP explains as follows:

Note that the omission of an element and retention of its function is an indicia of unobviousness. *In re Edge*, 359 F.2d 896, 149 USPQ 556 (CCPA 1966) (Claims at issue were directed to a printed sheet having a thin layer of erasable metal bonded directly to the sheet wherein said thin layer obscured the original print until removal by erasure. The prior art disclosed a similar printed sheet which further comprised an intermediate transparent and erasure-proof protecting layer which prevented erasure of the printing when the top layer was erased. The claims were found unobvious over the prior art because although the transparent layer of the prior art was eliminated, the function of the transparent layer was retained since appellant's metal layer could be erased without erasing the printed indicia.).

(MPEP 2144.04 B).

Moreover, the present invention shows excellent soft magnetic properties as shown in Fig.

11.

For at least these reasons, claim 1 patentably distinguishes over Yoshida 308. Claim 3, depending from claim 1, also patentably distinguish over Yoshida 308 for at least the same reasons.

**Claims 1 and 3 were rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Baolong et al. (Baolong, Bulk Glass Fe-Ga-P-C-B-Si Alloys with High Glass-Forming Ability, High Saturation Magnetization and Good Soft Magnetic Properties, cited in the IDS submitted August 4, 2006).**

Baolong et al. discloses bulk glassy Fe-Ga-P-C-B-Si alloys with high glass-forming ability, high saturation magnetization and good soft magnet properties. However, according to Baolong et al., the master alloy is made into a ribbon with a cross section of about 0.020x1.0 mm<sup>2</sup> by melt spinning or cylindrical rods with diameters up to 3.0 mm and a length of 40mm by copper mold casting in an argon atmosphere.

The alloy does not have a structure of “sintered soft magnetic element, comprising: Fe-based sintered alloy soft magnetic material of metallic glass, the sintered soft magnetic element being prepared by sintering, in a temperature range of 573 K to the crystallization temperature (Tx), spherical particles of Fe-based metallic glass alloy prepared by an atomizing process, the spherical particles having a particle size of 30 to 125 μm.”

For at least these reasons, claim 1 patentably distinguishes over Baolong et al. Claim 3, depending from claim 1, also patentably distinguish over Baolong et al. for at least the same reasons.

Application No.: 10/540,527  
Art Unit: 1793

Amendment under 37 CFR §1.111  
Attorney Docket No.: 052667

**New Claims**

In this amendment, claims 7 and 8 have been added.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Sadao Kinashi  
Attorney for Applicants  
Registration No. 48,075  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

SK/kn